

**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**

Judge John G. Heyburn II  
United States District Court  
Western District of Kentucky

**MEMBERS:**

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

Judge Anthony J. Scirica  
United States Court of Appeals  
Third Circuit

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
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Washington, D.C. 20002

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July 12, 2007

Richard Sletten, Clerk  
202 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Re: MDL-1849 -- IN RE C.H. Robinson Worldwide, Inc., Overtime Pay Litigation

(See Attached Schedule of A Order)

Dear Mr. Sletten:

I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A copy of Rule 1.6 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 428 (2001), which deals specifically with the transfer of files, is enclosed for your convenience. Also enclosed are a complete set of the Panel Rules and a copy of Chapter 7 of Volume 4 of the Clerks Manual, United States District Courts.

The Panel Clerk's Office maintains the only statistical accounting of multidistrict litigation traffic in the federal courts. These statistics are used by the Administrative Office of the United States Courts and the Judicial Conference. Therefore, your cooperation in keeping the Panel advised of the progress of this litigation would be appreciated. We are particularly interested in receiving the docket numbers assigned to each transferred action by your court; the caption and docket numbers of all actions originally filed in your district; and copies of orders regarding appointment of liaison counsel, settlements, dismissals, state court remands, and reassignments to other judges in your district.

Your attention is also directed to Panel Rule 7.6, regarding termination and remand of transferred actions. Upon notification from your court of a finding by the transferee judge that Section 1407 remand of a transferred action is appropriate, this office will promptly file a conditional remand order.

For your information, I am enclosing a copy of the Panel Attorney Service List.

Very truly,

Jeffery N. Lüthi  
Clerk of the Panel

By   
Deputy Clerk

Enclosures

cc w/all enclosures (Chapter 7 of Volume 4 of the Clerks Manual, U.S. District Courts, Rule 1.6, R.P.J.P.M.L., transfer order, Panel Attorney Service List, and complete Panel Rules):

Transferee Judge: Judge Joan N. Ericksen

cc w/order only: Transferee Chief Judge: Judge James M. Rosenbaum

cc w/order and Rule 1.6, R.P.J.P.M.L.:

Transferor Clerk(s): (See Attached List of Clerks)

Transferor Judge(s): (See Attached List of Judges)

JUL 12 2007

FILED  
CLERK'S OFFICE

**RELEASED FOR PUBLICATION**

**DOCKET NO. 1849**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE C.H. ROBINSON WORLDWIDE, INC., OVERTIME PAY LITIGATION**

**BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.  
FREDERICK MOTZ, ROBERT L. MILLER, JR., \* KATHRYN H. VRATIL,  
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL**

**TRANSFER ORDER**

Before the Panel is a motion brought, pursuant to 28 U.S.C. § 1407, by plaintiffs in the 100 actions listed on Schedule A and two additional actions for coordinated or consolidated pretrial proceedings of these actions in the Northern District of Illinois or, in the alternative, the District of Minnesota.<sup>1</sup> Lone defendant C.H. Robinson Worldwide, Inc. (CHRW) opposes the motion. After their initial submissions to the Panel, all parties filed a joint pleading with the Panel requesting transfer for the limited purpose of obtaining settlement approval in the Northern District of Illinois or, alternatively, the District of Minnesota.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that these actions involve one or more common questions of fact, and centralization under Section 1407 in the District of Minnesota will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. The actions involve similar allegations that certain employees of CHRW are entitled to compensation under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, *et seq.* Centralization under Section 1407 is necessary in order to conserve the resources of the parties, their counsel and the judiciary, particularly with respect to settlement approval. We decline to circumscribe the breadth of the pretrial proceedings as requested by the parties, instead leaving such matters to the discretion of the transferee judge. Whenever the transferee judge deems remand of any

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\* Judge Miller took no part in the decision of this matter.

<sup>1</sup> Plaintiffs initially included 102 actions in their motion, but later amended the schedule to exclude the 28 Northern District of Illinois actions that were closed and pending transfer under 28 U.S.C. § 1404(a) at that time. Two of these actions remain in that status. Because all parties are represented by common counsel and have filed pleadings stating their positions before the Panel, 100 actions are encompassed by this order. The remaining two actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

claims or actions appropriate, procedures are available whereby this may be accomplished with a minimum of delay. *See* Rule 7.6, R.P.J.P.M.L., 199 F.R.D. at 436-38.

We are persuaded that the District of Minnesota is an appropriate transferee forum for this docket. This is the district in which approximately one-fourth of the actions are now pending. Also, the transferee judge to whom we are assigning this litigation has developed a familiarity with the issues, parties, and counsel involved in these actions through presiding over two related actions for the past five years.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the District of Minnesota are transferred to the District of Minnesota and, with the consent of that court, assigned to the Honorable Joan N. Ericksen for coordinated or consolidated pretrial proceedings with the actions pending in that district and listed on Schedule A.

FOR THE PANEL:

A handwritten signature in dark ink, appearing to read "Wm. Terrell Hodges", written over a horizontal line.

Wm. Terrell Hodges  
Chairman